

REMARKS

This amendment responds to the Office Action which was mailed on November 17, 2005. In the claims, Claims 1-17 have been previously canceled, Claims 18-37 have now been canceled, and new Claims 38-55 substituted therefor. It is respectfully submitted that new Claims 38-55 are in condition for allowance. Request a favorable reconsideration of this application in light of the amendment and the remarks set forth below which constitute a full and complete response to the outstanding Office Action.


In the final Office Action, it was indicated that although Claim 26 was objected to as being dependent upon a rejected base claim, Claim 26 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 26 was dependent from Claim 19, which in turn was dependent from independent Claim 18. However, after a telephone discussion with Examiner Thomas Noland on February 15, 2006, it was agreed that the limitation of Claim 19, i.e., wherein the chemical agent detector comprises an M256 detector, was not necessary for patentability. Therefore, the limitation of Claim 26 has now been included in the original Claim 18 and is hereby submitted as new Claim 38. Thus, based on the indication of allowable subject matter, and the combination of the limitations of Claims 18 and 26 in new Claim 38, it is respectfully submitted that Claim 38 is in condition for allowance. Furthermore, new Claims 39-51 are either directly or indirectly dependent from Claim 38 and are further limiting thereto, therefore, Claims 39-51 should also be in condition for allowance. In addition, Claim 52 has been amended to include the limitation of a means for adjusting the distance between the heating element and the sample containment

reservoir; therefore this claim and its dependent Claims 53-55 should also be in condition for allowance.

In summary, Claims 18-37 have been canceled and new Claims 38-55 substituted therefor. Claims 38-55 remain in the case and based on the foregoing amendments and the indication of allowable subject matter should be considered in condition for allowance. Accordingly, it is respectfully submitted that these claims are patentable and in condition for allowance. Early reconsideration and allowance of the claimed subject matter is earnestly solicited.

Respectfully submitted,

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DATE


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